

Message Text

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11

ACTION ORM-01

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 4228

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EO 11652: N/A

TAGS: SREF, CVIS, CI

SUBJECT: PAROLE OF CHILEAN DETAINEES AND REFUGEES

REFS: (A) SANTIAGO 4765 (B) SANTIAGO 4636 (C) STATE 137514

1. SUMMARY: UNDER INSTRUCTIONS FROM THIS EMBASSY, THE THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION (ICEM) HAS SO FAR BEEN SUBMITTING FOR PAROLE CONSIDERATION ONLY NAMES OF DETAINEES WHO HAVE RECEIVED FORMAL GOC PERMISSION TO DEPART (EXILE DECREES). DUE TO LIMITED NUMBER OF DETAINEES WITH DECREES AVAILABLE AT PRESENT TIME, EMBASSY PROPOSES TO ACCEPT FOR PRELIMINARY PROCESSING ALSO NMAES OF THOSE DETAINEES UNDER STATE OF SIEGE (CATEGORY I) WHO HAVE NOT YET RECEIVED EXILE DECREES, AND THOSE TRIED AND SENTENCED BY MILITARY TRIBUNALS (CATEGORY III) WHOSE SENTENCES HAVE NOT YET BEEN COMMUTED INTO EXILE. END SUMMARY.

2. PARA 3 (C) REF C STATES THAT ORGANIZATION CONDUCTING PRELIMINARY PROCESSING SHOULD OBTAIN ASSURANCES FROM GOC THAT DETAINEE WILL BE RELEASED IF HE IS APPROVED FOR ENTRY INTO THE U.S. PARA 9 STATES THAT RECOMMENDATION FOR PAROLE WILL CONTAINED CONFIRMATION THAT DETAINEE IS ELIGIBLE FOR RELEASE IF PAROLE AUTHORIZED.

3. IN IMPLEMENTING THESE GUIDELINES, THE EMBASSY MADE A PRELIMINARY DECISION THAT WE WOULD NOT ACCEPT NAMES FOR ICEM

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UNTIL GOC HAD GIVEN INDIVIDUAL PERMISSION FOR PERSON'S RELEASE

AND EXILE (MINISTERIAL DECREES EACH SIGNED BY PRESIDENT).
IN ADDITION TO DEPARTMENT'S INSTRUCTIONS, WE WERE CONCERNED
THAT PROCESSING CASES BEFORE DECREES HAD BEEN GRANTED COULD
RESULT IN BACKLOG OF CASES THAT WOULD REMAIN PENDING
INDEFINITELY, AND THAT PRESSURE MIGHT BE PUT ON USG TO GEG
DECREES PROMULGATED.

4. PAROLE PROGRAM HAS SO FAR MOVED SLOWLY, TO AN EXTENT
BECAUSE OF REQUIREMENT THAT DECREES BE ISSUED BEFORE
PROCESSING BEGINS. ICEM HAS REFERRED TO US NAMES OF ONLY
57 DETAINEES FOR PAROLE CONSIDERATION, WE HAVE GIVEN ALL
OF THESE PRELIMINARY PROCESSING. ICEM IS OPERATING
FROM A POOL OF SOME 170 CASES THAT MEET OUR CRITERIA;
ALL ARE CATEGORY I. OF THESE PANAMA IS IN THE PROCESS OF TAKING
SOME 100, AND OTHER COUNTRIES, WHICH HAVE BEEN OPERATING
REFUGEE PROGRAMS IN CHILE FOR MORE THAN SIX MONTHS, ARE
TAKING OTHERS. ALMOST ALL OF THE CASES REFERRED TO US ARE
ALSO BEING CONSIDERED FOR VISAS BY AT LEAST ONE OTHER
COUNTRY, AND SOME BY THREE OR FOUR. THREE PERSONS WHO HAD
ASKED FOR THEIR CASES TO BE REFERRED TO US HAVE ALREADY
WITHDRAWN THEIR APPLICATIONS, AND TWO OTHERS HAVE
RECEIVED VISAS TO GO TO AUSTRIA SINCE OUR INTERVIEW AND ARE
ALSO ABANDONING THEIR APPLICATIONS.

5. ACCORDING TO ICEM'S INTERPRETATION OF STATISTICS
RECENTLY RELEASED BY THE MINISTRY OF INTERIOR, ADDITIONAL
CASES IN CATEGORY I SHOULD BECOME AVAILABLE, BUT THERE IS NO
INDICATION WHEN THEY CAN BE REFERRED TO US UNDER OUR PRESENT
CRITERIA. GOC IS ALSO PROCESSING CASES OF PERSONS CONVICTED
OF POLITICAL CRIMES WHO HAVE ASKED TO HAVE THEIR SENTENCES
COMMUTED TO EXILE; OBTAINING VISAS IS PART OF REQUIREMENT
FOR COMMUTATION (CATEGORY III). SOME OF THESE HAVE ALREADY
BEEN SPOKEN FOR BY OTHER COUNTRIES; ICEM BELIEVES THAT VERY
FEW WILL BE AVAILABLE TO US UNDER OUR PRESENT CRITERIA OF
ACCEPTING ONLY CASES WHERE A DECREE HAS BEEN GRANTED.

6. DEPARTMENT RECENTLY INSTRUCTED THE EMBASSY TO BEGIN
REFERRING TO ICEM CASES INVOLVING U.S. INTEREST, AND INFORMED
THE POST IT WILL BE FORWARDING FOR REFERRAL TO ICEM JOB
OFFERS RECEIVED IN WASHINGTON FOR SPECIFIC DETAINED CHILEANS.
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THIS WILL PLACE THE EMBASSY IN THE POSITION OF REFERRING
CASES TO ICEM AND THEN NOT BEING ABLE TO ACCEPT THEM FROM
ICEM UNLESS DECREE QC BEEN GRANTED.

7. WITH A VIEW TO EXPEDITING PROCESSING INVOLVED IN
PAROLE PROGRAM, EMBASSY PROPOSES TO EXTEND CRITERIA FOR
ACCEPTING CASES FROM ICEM TO INCLUDE BELOW-LISTED SIX
CATEGORIES. CASES ACCEPTED WOULD BE PROCESSED IN THIS

PRIORITY ORDER:

(A) CASES WITH U.S. INTEREST.

(B) PERSONS WITH DECREES IN HAND TO LEAVE THE COUNTRY
(CATEGORY I).

(C) PERSONS EXPECTED TO RECEIVE DECREES SHORTLY, AS
DETERMINED BY ICEM (CATEGORY I).

(D) PERSONS WHOSE SENTENCES CAN BE COMMUTED TO EXILE ON
OBTAINING A VISA (CATEGORY III).

(E) PERSONS UNDER HOUSE ARREST.

(F) PERSONS SENTENCED TO INTERNAL EXILE.

8. BY THUS PROCESSING IN ADVANCE CASES WITHOUT DECREES UP
TO POINT OF RECOMMENDATION FOR PAROLE, CASES COULD BE SUBMITTED
FOR INS APPROVAL IMMEDIATELY UPON ISSUANCE OF GOC PERMISSION
FOR RELEASE AND EXILE. RESULT WOULD BE TO EXPEDITE USG
ACTION AND HELP US TO OBTAIN HIGHER QUALITY INDIVIDUALS
FOR PAROLE.

9. WITH THIS BROADENED BASE FOR ACCEPTING CASES, IT WILL
TAKE SOME TIME FOR ICEM TO SCREEN ITS CASELOAD AND OBTAIN
PRELIMINARY DOCUMENTATION. ICEM BELIEVES THAT IT SHOULD
BE ABLE TO OBTAIN FROM 50 TO 100 ADDITIONAL CASES FOR OUR
CONSIDERATION WITHIN ONE MONTH. WE CANNOT ESTIMATE NOW WHETHER
THAT RATE COULD BE MAINTAINED.

10. EMBASSY POINTS OUT THAT UNDER NEW CRITERIA THERE COULD
BE CASES WE BEGAN TO PROCESS WHICH IN THE END GOC WOULD
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NOT APPROVE FOR EXILE OR IN WHICH DECISION WOULD BE
DELAYED INDEFINITELY. RESPONSIBILITY FOR HOL-UP WOULD
OF COURSE BE CLEARLY GOC'S.

11. REQUEST INSTRUCTIONS.
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